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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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PERKINS COIE LLP PATENT-SEA P.O. BOX 1247 SEATTLE, WA 98111-1247			EXAMINER FADOK, MARK A	
			ART UNIT 3625	PAPER NUMBER

DATE MAILED: 10/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/318,447	Applicant(s) HARTMAN ET AL.	
	Examiner Mark Fadok	Art Unit 3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2005 and 01 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 108-183 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 108-183 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

The examiner is in receipt of applicants response to office action mailed 5/12/2004 and 7/7/2005, which was received as appellant's appeal brief 4/8/2005 and response to defective appeal brief 8/1/2005. Applicant's arguments provided by the applicant were persuasive, Therefore, PROSECUTION IS HEREBY REOPENED. New grounds for rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (a) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or
- (b) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Examiner's Note

Examiner has cited particular columns and line numbers or figures in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures

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may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Applicant may argue that indicating on a display that the single action click can be canceled within a time period is functional language. For this reason, in the interest of compact prosecution, the examiner rejects claims 124,125, 138, 139, 140,141 157,166,168, 169 under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In this case, as applicant has stated, FIG 1A Item 103 is the only place where canceling the 1-click order is eluded to in the phrase "You can cancel within 90 minutes". This phrase does not describe how the cancellation is accomplished and is therefore non-enabling.

Reference to Priority

It is noted that this application appears to claim subject matter disclosed in prior Application No. 08/928,951, filed September 12, 1997, now Patent 5,960,411. A reference to the prior application must be inserted as the first sentence of the specification of this application or in an application data sheet (37 CFR 1.76), if applicant intends to rely on the filing date of the prior application under 35 U.S.C. 119(e) or 120. See 37 CFR 1.78(a). For benefit claims under 35 U.S.C. 120, the reference must include the relationship (i.e., continuation, divisional, or continuation-in-part) of all non-provisional applications. Also, the current status of all non-provisional parent applications referenced should be included.

If the application is a utility or plant application filed under 35 U.S.C. 111(a) on or after November 29, 2000, the specific reference to the prior application must be submitted during the pendency of the application and within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior application. If the application is a utility or plant application which entered the national stage from an international application filed on or after November 29, 2000, after compliance with 35 U.S.C. 371, the specific reference must be submitted during the pendency of the application and within the later of four months from the date on which the national stage commenced under 35 U.S.C. 371(b) or (f) or sixteen months from the filing date of the prior application. See 37 CFR 1.78(a)(2)(ii) and (a)(5)(ii). This time period is not extendable and a failure to submit the reference required by 35 U.S.C.

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119(e) and/or 120, where applicable, within this time period is considered a waiver of any benefit of such prior application(s) under 35 U.S.C. 119(e), 120, 121 and 365(c). A priority claim filed after the required time period may be accepted if it is accompanied by a grantable petition to accept an unintentionally delayed claim for priority under 35 U.S.C. 119(e), 120, 121 and 365(c). The petition must be accompanied by (1) the reference required by 35 U.S.C. 120 or 119(e) and 37 CFR 1.78(a)(2) or (a)(5) to the prior application (unless previously submitted), (2) a surcharge under 37 CFR 1.17(t), and (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2) or (a)(5) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional. The petition should be addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 108-183 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-26 of U.S. Patent No. 5,960,441 in view of Webber, Jr. (6,167,378). The claims of Patent "411" teach placing single action orders over an electronic network and the other claimed features of the instant application, but does not specifically mention that the orders are combined or that a log in is required before server level information can be changed by the customer.

Hafner teaches a method and system for consolidating orders from multiple orders (col 8, lines 1-28 and col 10, lines 20-30). It would have been obvious to a person having ordinary skill in the art at the time of the invention to include in the claims of "441" the consolidation capability as taught by Hafner, because this would facilitate increased optimization by better controlling inventory and shipping costs. The combination of "441" and Hafner teaches consolidating orders, but does not specifically mention all the time intervals and availability items of the instant claims. First, the examiner notes that the applicant's disclosure states that "one skilled in the art would appreciate that the single action orders can be combined in various ways based on other factors, such as size of shipment and intermediate-term availability" (page 12, lines 9-12). Likewise, the examiner takes Official Notice that it was old and well known in the art at the time of the invention to place time intervals on processing time and combining deliveries/orders based on availability. It would have been obvious to a person having ordinary skill in the art at the time of the invention to include in the combination of "441"/Hefner placing time intervals on processing time and combining

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deliveries/orders based on availability, because this would assure that the orders are processed in a timely manner and would also allow orders to be combined in a manner that is optimized.

Further, the combination of "441" and Hefner does not teach a log in required to change account information of the user. The examiner takes Official Notice that it was old and well known in the art at the time of the invention to have a remote storage site containing personal information authenticate users before information could be changed. It would have been obvious to a person having ordinary skill in the art at the time of the invention to include the coordination by the server of changes to stored personal data, because authenticating the user would assure that only the user that provided the information could change it, therefore, creating more security of personal information and preventing others from stealing or manipulating the otherwise secure data.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 108-117,124,125,140-147,151-157, and 168-183 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joseph et al (5,819,034) in view of Teper et al (5,815,665) and further in view of Official Notice.

In regards to claim 108, Joseph discloses a method in a client system for ordering an item, the method comprising:

Joseph teaches receiving information from a server system (col 7, lines 33-37) and storing information persistently for transmittal to a server system (col 8, lines 52-60), but does not specifically mention that the information saved in persistent storage that is received from the server system is an identifier. Teper teaches providing a unique identifier to a user for later identifying a user and mapping to a remote site where personal information of the user is kept (see summary). It would have been obvious to a person having ordinary skill in the art to include in Joseph storing an identifier which authorizes the use of personal information stored on a server as taught by Teper, because this would free up storage space on the client computer by storing information and programming on the server while still maintaining control of the data at the local client computer. This additional storage capacity could be used to increase the processing efficiency of the other programs that are running on the client.

when an item is to be ordered, displaying information identifying the item (col 8, lines 23-33) and

The combination of Joseph/Teper teaches performing a single action to process an order by pressing a button and having instructions displayed interactively (col 8, lines

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14-67), but does not specifically mention displaying an indication that a single action is to be performed. It was old and well known in the art at the time of the invention to include instructions such as a display of an indication of a button to press to impose an executable action on a web page. The examiner takes Official Notice that it would have been obvious to a person having ordinary skill in the art to include in Joseph/Teper the displayed indication of what button to press to activate the order, because this would assure that the correct button was pushed to complete the order, thus reducing the frustration of the user by making the system easier to use. and

in response to the single action being performed, sending to the server system a request to order the identified item along with the client identifier (see discussion above concerning storage of an identifier and the appendage of client information with the purchase data, col 8, line 52- col 9, line 8) ,

the client identifier identifying account information previously supplied by a user of the client system wherein the user does not need to log in to the server system when ordering the item (Per discussion above the combination of Joseph/Teper teach appending a stored identifier to gain access to personal information to automatically access stored account information thus eliminating the need to input the authorization each time the server is accessed); and

The combination of Joseph/Teper teach accessing a server, registering and providing personalized data which is later accessed (Teper col 6, lines 4-13), but does not specifically mention that the server system coordinates changes to the stored data. The examiner takes Official Notice that it was old and well known in the art at the time of

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the invention to have a remote storage site containing personal information authenticate users before information could be changed. It would have been obvious to a person having ordinary skill in the art at the time of the invention to include the coordination by the server of changes to stored personal data, because authenticating the user would assure that only the user that provided the information could change it, therefore, creating more security of personal information and preventing others from stealing or manipulating the otherwise secure data.

receiving updated account information (col 6, lines 4-13); and

sending the updated account information to the server system whereby the user does not need to log in to the server system when ordering the item, but needs to log in to the server system when changing previously supplied account information (see discussion above).

In regards to claim 109, Joseph teaches wherein the account information includes billing information (Teper col 6, lines 4-13).

In regards to claim 110, Joseph teaches wherein the account information includes shipping information (Teper col 6, lines 4-13).

In regards to claim 111, Joseph teaches wherein the client system and server system communicate via the Internet (Joseph, FIG 1 and Teper col 5, lines 17-32).

In regards to claim 112, Joseph teaches receiving from the server system a confirmation that the order was generated (col 8, lines 50 and 51).

In regards to claim 113, the combination of Joseph/Teper teaches inputting information (col 7, lines 10-15), but does not specifically mention that the inputting of the information is accomplished by clicking a mouse button when a cursor is positioned over a predefined area of the displayed information. The examiner takes Official Notice that clicking a mouse button when a cursor is positioned over a predefined area of the displayed information was old and well known at the time of the invention. It would have been obvious to a person having ordinary skill in the art to include in the combination of Joseph/Teper clicking a mouse button when a cursor is positioned over a predefined area of the displayed information, because this would provide an efficient means for inputting information and provide additional functionality to make the system more user friendly.

In regards to claim 114, The examiner takes Official Notice that displaying partial information to protect the users personal information was old and well known in the art at the time of the invention. It would have been obvious to a person of ordinary skill in the art to include in the combination of Joseph/Teper, providing partial information, because providing only partial information has notoriously been known to protect the users identity and personal information from theft.

In regards to claim 115, The examiner takes Official Notice that displaying partial information to protect the users personal information was old and well known in the art at the time of the invention. It would have been obvious to a person of ordinary skill in the art to include in the combination of Joseph/Teper, providing partial information, because providing only partial information has notoriously been known to protect the users identity and personal information from theft.

In regards to claim 116, the examiner takes Official Notice that displaying partial information to protect the users personal information was old and well known in the art at the time of the invention. It would have been obvious to a person of ordinary skill in the art to include in the combination of Joseph/Teper, providing partial information, because providing only partial information has notoriously been known to protect the users identity and personal information from theft.

In regards to claim 117, Joseph teaches wherein the item may alternatively be ordered using a shopping cart model. First, applicant's specification page 6, lines 23-26 purports, shopping cart technology is an admitted conventional system, the disclosure further purports, page 6, line 26 – page 7, line 1, that selectively including or excluding an alternative would be obvious. The examiner therefore also takes Official Notice that the use of shopping carts for electronic commerce was old and well known at the time of the invention. It would have been obvious to a person having ordinary skill in the art to include in Joseph/Teper the use of an alternative to one click shopping such as a

shopping cart, because users may feel uncomfortable accomplishing the transaction without having the opportunity to review the transaction before submittal, therefore including this alternative would increase the usage of the site by offering a shopping cart model to those who prefer using the conventional technology.

In regards to claim 124 and 125, Joseph teaches a display screen for providing information interactively with a user, but does not specifically mention that the information provided is an indication that "You can cancel within 90 minutes" (applicant's drawing FIG 1A). Since the limitation of indicating does not impart any functionality this limitation is considered to be non-functional descriptive material (see MPEP 2106(b)) and is therefore not considered to provide patentable moment. The examiner further takes Official Notice that it was old and well known in the art to include general information that was considered informative to the user. It would have been obvious to a person having ordinary skill in the art to include in Joseph any type informative information such as "You can always cancel within 90 minutes", because this information may be used to lead to commands, executable code and/or data for controlling the viewer interaction (col 2, lines 30-35).

In regards to claim 140, Joseph discloses a method in a client system for ordering an item, the method comprising:

- receiving from a server system a client identifier of the client system;
- persistently storing the client identifier at the client system;

displaying information identifying the item and displaying an indication of a single action that is to be performed to order the identified item;

in response to the single action being performed, sending to the server system a request to order the identified item along with the client identifier,

the client identifier identifying account information of a user (see response to claim 108); and

Joseph teaches a display screen for providing information interactively with a user, but does not specifically mention that the information provided is an indication that "You can cancel within 90 minutes" (applicants drawings FIG 1A). Since the limitation of indicating does not impart any functionality this limitation is considered to be non-functional descriptive material (see MPEP 2106(b)) and is therefore not considered to provide patentable moment. The examiner further takes Official Notice that it was old and well known in the art to include general information that was considered informative to the user. It would have been obvious to a person having ordinary skill in the art to include in Joseph any type informative information such as "You can always cancel within 90 minutes", because this information may be used to lead to commands, executable code and/or data for controlling the viewer interaction (col 2, lines 30-35).

In regards to claim 141, Joseph teaches wherein the time interval is 90 minutes (see response to claim 140).

In regards to claim 142, Joseph teaches wherein the client system and server system communicate via the Internet (Joseph, FIG 1 and Teper col 5, lines 17-32).

In regards to claim 143, the combination of Joseph/Teper teaches inputting information (col 7, lines 10-15), but does not specifically mention that the inputting of the information is accomplished by clicking a mouse button when a cursor is positioned over a predefined area of the displayed information. The examiner takes Official Notice that clicking a mouse button when a cursor is positioned over a predefined area of the displayed information was old and well known at the time of the invention. It would have been obvious to a person having ordinary skill in the art to include in the combination of Joseph/Teper clicking a mouse button when a cursor is positioned over a predefined area of the displayed information, because this would provide an efficient means for inputting information and provide additional functionality to make the system more user friendly.

In regards to claim 144, The examiner takes Official Notice that displaying partial information to protect the users personal information was old and well known in the art at the time of the invention. It would have been obvious to a person of ordinary skill in the art to include in the combination of Joseph/Teper, providing partial information, because providing only partial information has notoriously been known to protect the users identity and personal information from theft.

In regards to claim 145, the examiner takes Official Notice that displaying partial information to protect the users personal information was old and well known in the art at the time of the invention. It would have been obvious to a person of ordinary skill in the art to include in the combination of Joseph/Teper, providing partial information, because providing only partial information has notoriously been known to protect the users identity and personal information from theft.

In regards to claim 146, the examiner takes Official Notice that displaying partial information to protect the users personal information was old and well known in the art at the time of the invention. It would have been obvious to a person of ordinary skill in the art to include in the combination of Joseph/Teper, providing partial information, because providing only partial information has notoriously been known to protect the users identity and personal information from theft.

In regards to claim 147, applicant's specification page 6, lines 23-26 purports, shopping cart technology is an admitted conventional system, the disclosure further purports, page 6, line 26 – page 7, line 1, that selectively including or excluding an alternative would be obvious. The examiner therefore also takes Official Notice that the use of shopping carts for electronic commerce was old and well known at the time of the invention. It would have been obvious to a person having ordinary skill in the art to include in Joseph/Teper the use of an alternative to one click shopping such as a shopping cart, because users may feel uncomfortable accomplishing the transaction

without having the opportunity to review the transaction before submittal, therefore including this alternative would increase the usage of the site by offering a shopping cart model to those who prefer using the conventional technology.

In regards to claim 151, Joseph teaches a client system for ordering an item, comprising:

a component that receives from a server system a client identifier of the client system and that stores the client identifier persistently;

a component that orders an item by displaying information identifying the item along with an indication of a single action that is to be performed to order the identified item and by sending to the server system a request to order the identified item along with the client identifier,

the client identifier identifying account information previously supplied by a user wherein the user does not need to log in to the server system when ordering the item; and

a component that updates account information by coordinating the log in of the user to the server system, receiving updated account information from the user, and sending the updated account information to the server system (see response to claim 108).

In regards to claim 152, Joseph teaches wherein the account information includes billing information (Teper col 6, lines 4-13).

In regards to claim 153, Joseph teaches wherein the account information includes shipping information (Teper col 6, lines 4-13).

In regards to claim 154, the combination of Joseph/Teper teaches inputting information (col 7, lines 10-15), but does not specifically mention that the inputting of the information is accomplished by clicking a mouse button when a cursor is positioned over a predefined area of the displayed information. The examiner takes Official Notice that clicking a mouse button when a cursor is positioned over a predefined area of the displayed information was old and well known at the time of the invention. It would have been obvious to a person having ordinary skill in the art to include in the combination of Joseph/Teper clicking a mouse button when a cursor is positioned over a predefined area of the displayed information, because this would provide an efficient means for inputting information and provide additional functionality to make the system more user friendly.

In regards to claim 155, Joseph teaches wherein the item may alternatively be ordered using a shopping cart model. First, applicant's specification page 6, lines 23-26 purports, shopping cart technology is an admitted conventional system, the disclosure further purports, page 6, line 26 – page 7, line 1, that selectively including or excluding an alternative would be obvious. The examiner therefore also takes Official Notice that

the use of shopping carts for electronic commerce was old and well known at the time of the invention. It would have been obvious to a person having ordinary skill in the art to include in Joseph/Teper the use of an alternative to one click shopping such as a shopping cart, because users may feel uncomfortable accomplishing the transaction without having the opportunity to review the transaction before submittal, therefore including this alternative would increase the usage of the site by offering a shopping cart model to those who prefer using the conventional technology.

In regards to claim 156, Joseph teaches wherein the server system combines multiple requests to order items into a single order (see response to claim 151, what is known as common functionality in a shopping cart model).

In regards to claim 157, Joseph teaches a display screen for providing information interactively with a user, but does not specifically mention that the information provided is an indication that "You can cancel within 90 minutes" (applicant's drawing FIG 1A). Since the limitation of indicating does not impart any functionality this limitation is considered to be non-functional descriptive material (see MPEP 2106(b) and is therefore not considered to provide patentable moment. The examiner further takes Official Notice that it was old and well known in the art to include general information that was considered informative to the user. It would have been obvious to a person having ordinary skill in the art to include in Joseph any type informative information such as "You can always cancel within 90 minutes", because

this information may be used to lead to commands, executable code and/or data for controlling the viewer interaction (col 2, lines 30-35).

In regards to claim 168, Joseph discloses a method in a computer system for ordering an item, the method comprising:

providing to a client system a client identifier for the client system,

the client identifier being associated with account information of a user and for persistent storage at the client system;

providing to the client system a display page identifying an item,

the display page including an indication of a single action that is to be performed to order the identified item (see response to claim 108) and

Joseph teaches a display screen for providing information interactively with a user, but does not specifically mention that the information provided is an indication that "You can cancel within 90 minutes" (applicant's Drawing FIG 1A). Since the limitation of indicating does not impart any functionality this limitation is considered to be non-functional descriptive material (see MPEP 2106(b)) and is therefore not considered to provide patentable moment. The examiner further takes Official Notice that it was old and well known in the art to include general information that was considered informative to the user. It would have been obvious to a person having ordinary skill in the art to include in Joseph any type informative information such as "You can always cancel within 90 minutes", because this information may be used to lead to commands, executable code and/or data for controlling the viewer interaction (col 2, lines 30-35);

receiving from the client system an indication that the user performed the single action along with the client identifier; and

generating an order for the identified item using the account information associated with the received client identifier (see response to claim 108).

In regards to claim 169, Joseph teaches wherein the time interval is 90 minutes (see response to claim 168).

In regards to claim 170, Joseph teaches wherein the client system and server system communicate via the Internet (Joseph, FIG 1 and Teper col 5, lines 17-32).

In regards to claim 171, the combination of Joseph/Teper teaches inputting information (col 7, lines 10-15), but does not specifically mention that the inputting of the information is accomplished by clicking a mouse button when a cursor is positioned over a predefined area of the displayed information. The examiner takes Official Notice that clicking a mouse button when a cursor is positioned over a predefined area of the displayed information was old and well known at the time of the invention. It would have been obvious to a person having ordinary skill in the art to include in the combination of Joseph/Teper clicking a mouse button when a cursor is positioned over a predefined area of the displayed information, because this would provide an efficient means for inputting information and provide additional functionality to make the system more user friendly.

In regards to claim 172, Joseph teaches wherein the display page includes information identifying the user (Teper, col 6, lines 30-35, user customization information).

In regards to claim 173, the examiner takes Official Notice that displaying partial information to protect the users personal information was old and well known in the art at the time of the invention. It would have been obvious to a person of ordinary skill in the art to include in the combination of Joseph/Teper, providing partial information, because providing only partial information has notoriously been known to protect the users identity and personal information from theft.

In regards to claim 174, the examiner takes Official Notice that displaying partial information to protect the users personal information was old and well known in the art at the time of the invention. It would have been obvious to a person of ordinary skill in the art to include in the combination of Joseph/Teper, providing partial information, because providing only partial information has notoriously been known to protect the users identity and personal information from theft.

In regards to claim 175, Joseph teaches wherein the item may alternatively be ordered using a shopping cart model. First, applicant's specification page 6, lines 23-26

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purports, shopping cart technology is an admitted conventional system, the disclosure further purports, page 6, line 26 – page 7, line 1, that selectively including or excluding an alternative would be obvious. The examiner therefore also takes Official Notice that the use of shopping carts for electronic commerce was old and well known at the time of the invention. It would have been obvious to a person having ordinary skill in the art to include in Joseph/Teper the use of an alternative to one click shopping such as a shopping cart, because users may feel uncomfortable accomplishing the transaction without having the opportunity to review the transaction before submittal, therefore including this alternative would increase the usage of the site by offering a shopping cart model to those who prefer using the conventional technology.

In regards to claim 176, Joseph discloses a method in a computer for ordering an item, the method comprising:

- providing to a client system a client identifier for the client system,
- the client identifier being associated with account information of a user and for persistent storage at the client system;
- when an item is to be ordered, providing to the client system a display page identifying an item,
- the display page including an indication of a single action that is to be performed to order the identified item;
- receiving from the client system an indication that the user performed the single action along with the client identifier; and

generating an order for the identified item using the account information associated with the received client identifier wherein the user does not need to log in to the computer system to order the item; and

when account information is to be changed, coordinating the log in of the user to the computer system;

receiving from the client system updated account information; and

updating the account information associated with the client identifier of the logged in user based on the received updated account information (see response to claim 108).

In regards to claim 177, Joseph teaches wherein the account information includes billing information (Teper col 6, lines 4-13).

In regards to claim 178, Joseph teaches wherein the account information includes shipping information (Teper col 6, lines 4-13).

In regards to claim 179, Joseph teaches wherein the client system and server system communicate via the Internet (Joseph, FIG 1 and Teper col 5, lines 17-32).

In regards to claim 180, the combination of Joseph/Teper teaches inputting information (col 7, lines 10-15), but does not specifically mention that the inputting of the information is accomplished by clicking a mouse button when a cursor is positioned

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over a predefined area of the displayed information. The examiner takes Official Notice that clicking a mouse button when a cursor is positioned over a predefined area of the displayed information was old and well known at the time of the invention. It would have been obvious to a person having ordinary skill in the art to include in the combination of Joseph/Teper clicking a mouse button when a cursor is positioned over a predefined area of the displayed information, because this would provide an efficient means for inputting information and provide additional functionality to make the system more user friendly.

In regards to claim 181, The examiner takes official Notice that displaying partial information to protect the users personal information was old and well known in the art at the time of the invention. It would have been obvious to a person of ordinary skill in the art to include in the combination of Joseph/Teper, providing partial information, because providing only partial information has notoriously been known to protect the users identity and personal information from theft.

In regards to claim 182, the examiner takes Official Notice that displaying partial information to protect the users personal information was old and well known in the art at the time of the invention. It would have been obvious to a person of ordinary skill in the art to include in the combination of Joseph/Teper, providing partial information, because providing only partial information has notoriously been known to protect the users identity and personal information from theft.

In regards to claim 183, applicant's specification page 6, lines 23-26 purports, shopping cart technology is an admitted conventional system, the disclosure further purports, page 6, line 26 – page 7, line 1, that selectively including or excluding an alternative would be obvious. The examiner therefore also takes Official Notice that the use of shopping carts for electronic commerce was old and well known at the time of the invention. It would have been obvious to a person having ordinary skill in the art to include in Joseph/Teper the use of an alternative to one click shopping such as a shopping cart, because users may feel uncomfortable accomplishing the transaction without having the opportunity to review the transaction before submittal, therefore including this alternative would increase the usage of the site by offering a shopping cart model to those who prefer using the conventional technology.

Claims 118-123, 126-139, 148-150 and 158-167 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joseph et al (5,819,034) in view of Teper et al (5,815,665) in view of Official Notice and further in view of Hafner et al (5,893,076).

In regards to claims 118-123, 127-131, 148-150 and 159-163 the combination of Joseph/Teper teaches placing single action orders over an electronic network, but does not specifically mention that the orders are combined. Hafner teaches a method

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and system for consolidating orders from multiple orders (col 8, lines 1-28 and col 10, lines 20-30). It would have been obvious to a person having ordinary skill in the art at the time of the invention to include in Joseph/Teper the consolidation capability as taught by Hafner, because this would facilitate increased optimization by better controlling inventory and shipping costs. The combination of Joseph/Teper/Hafner teaches consolidating orders, but does not specifically mention all the time intervals and availability items of the instant claims. First, the examiner notes that the applicant's disclosure states that "one skilled in the art would appreciate that the single action orders can be combined in various ways based on other factors, such as size of shipment and intermediate-term availability" (page 12, lines 9-12). Likewise, the examiner takes Official Notice that it was old and well known in the art at the time of the invention to place time intervals on processing time and combining deliveries/orders based on availability. It would have been obvious to a person having ordinary skill in the art at the time of the invention to include in the combination of Joseph/Teper/Hafner placing time intervals on processing time and combining deliveries/orders based on availability, because this would assure that the orders are processed in a timely manner and would also allow orders to be combined in a manner that is optimized.

In regards to claim 126, Joseph discloses a method in a client system for ordering items, the method comprising:

receiving from a server system a client identifier of the client system; persistently storing the client identifier at the client system; and

for each of a plurality of items displaying information identifying the item and displaying an indication of a single action that is to be performed to order the identified item; and

in response to the single action being performed, sending to the server system a request to order the identified item and the client identifier, the client identifier identifying account information of a user wherein the server computer automatically combines orders into a single order (see response to claim 108).

In regards to claim 132, Joseph teaches wherein the client system and server system communicate via the Internet (Joseph, FIG 1 and Teper col 5, lines 17-32).

In regards to claim 133, the combination of Joseph/Teper teaches inputting information (col 7, lines 10-15), but does not specifically mention that the inputting of the information is accomplished by clicking a mouse button when a cursor is positioned over a predefined area of the displayed information. The examiner takes Official Notice that clicking a mouse button when a cursor is positioned over a predefined area of the displayed information was old and well known at the time of the invention. It would have been obvious to a person having ordinary skill in the art to include in the combination of Joseph/Teper clicking a mouse button when a cursor is positioned over a predefined area of the displayed information, because this would provide an efficient means for inputting information and provide additional functionality to make the system more user friendly.

In regards to claim 134, the examiner takes Official Notice that displaying partial information to protect the users personal information was old and well known in the art at the time of the invention. It would have been obvious to a person of ordinary skill in the art to include in the combination of Joseph/Teper, providing partial information, because providing only partial information has notoriously been known to protect the users identity and personal information from theft.

In regards to claim 135, the examiner takes Official Notice that displaying partial information to protect the users personal information was old and well known in the art at the time of the invention. It would have been obvious to a person of ordinary skill in the art to include in the combination of Joseph/Teper, providing partial information, because providing only partial information has notoriously been known to protect the users identity and personal information from theft.

In regards to claim 136, the examiner takes Official Notice that displaying partial information to protect the users personal information was old and well known in the art at the time of the invention. It would have been obvious to a person of ordinary skill in the art to include in the combination of Joseph/Teper, providing partial information, because providing only partial information has notoriously been known to protect the users identity and personal information from theft.

In regards to claim 137, Joseph teaches wherein the item may alternatively be ordered using a shopping cart model. First, applicant's specification page 6, lines 23-26 purports, shopping cart technology is an admitted conventional system, the disclosure further purports, page 6, line 26 – page 7, line 1, that selectively including or excluding an alternative would be obvious. The examiner therefore also takes Official Notice that the use of shopping carts for electronic commerce was old and well known at the time of the invention. It would have been obvious to a person having ordinary skill in the art to include in Joseph/Teper the use of an alternative to one click shopping such as a shopping cart, because users may feel uncomfortable accomplishing the transaction without having the opportunity to review the transaction before submittal, therefore including this alternative would increase the usage of the site by offering a shopping cart model to those who prefer using the conventional technology.

In regards to claim 138 and 139, Joseph teaches a display screen for providing information interactively with a user, but does not specifically mention that the information provided is an indication that "You can cancel within 90 minutes" (applicant's drawing FIG 1A). Since the limitation of indicating does not impart any functionality this limitation is considered to be non-functional descriptive material (see MPEP 2106(b)) and is therefore not considered to provide patentable moment. The examiner further takes Official Notice that it was old and well known in the art to include general information that was considered informative to the user. It would have been obvious to a person having ordinary skill in the art to include in Joseph any type

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informative information such as "You can always cancel within 90 minutes", because this information may be used to lead to commands, executable code and/or data for controlling the viewer interaction (col 2, lines 30-35).

In regards to claim 158, Joseph discloses a method in a computer system for ordering items, the method comprising:

- providing to a client system a client identifier for the client system,
the client identifier being associated with account information of a user and for persistent storage at the client system;

- for each of one or more items, providing to the client system a display page identifying an item,

- the display page including an indication of a single action that is to be performed to order the identified item; and

- receiving from the client system a request to order the identified item,
the request including the client identifier; and

- automatically generating a single order for the identified items of the one or more received requests for items

wherein the user does not need to specify that the identified items are to combined into a single order (see response to claim 108 and claim 126).

In regards to claim 164, the combination of Joseph/Teper teaches inputting information (col 7, lines 10-15), but does not specifically mention that the inputting of the information is accomplished by clicking a mouse button when a cursor is positioned over a predefined area of the displayed information. The examiner takes Official Notice that clicking a mouse button when a cursor is positioned over a predefined area of the displayed information was old and well known at the time of the invention. It would have been obvious to a person having ordinary skill in the art to include in the combination of Joseph/Teper clicking a mouse button when a cursor is positioned over a predefined area of the displayed information, because this would provide an efficient means for inputting information and provide additional functionality to make the system more user friendly.

In regards to claim 165, applicant's specification page 6, lines 23-26 purports, shopping cart technology is an admitted conventional system, the disclosure further purports, col 6, line 26 – col 7, line 1, that selectively including or excluding an alternative would be obvious. The examiner agrees with applicant that the use of shopping carts for electronic commerce was old and well known at the time of the invention. It would have been obvious to a person having ordinary skill in the art to include in Joseph/Teper the use of an alternative to one click shopping, because users may feel uncomfortable accomplishing the transaction without having the opportunity to review the transaction before submittal, therefore including this alternative would

increase the usage of the site by offering a shopping cart model to those who prefer using the conventional technology.

In regards to claim 166, Joseph teaches a display screen for providing information interactively with a user, but does not specifically mention that the information provided is an indication that “You can cancel within 90 minutes” Applicant’s Drawing FIG 1A). Since the limitation of indicating does not impart any functionality this limitation is considered to be non-functional descriptive material (see MPEP 2106(b)) and is therefore not considered to provide patentable moment. The examiner further takes Official Notice that it was old and well known in the art to include general information that was considered informative to the user. It would have been obvious to a person having ordinary skill in the art to include in Joseph any type informative information such as “You can always cancel within 90 minutes”, because this information may be used to lead to commands, executable code and/or data for controlling the viewer interaction (col 2, lines 30-35).

In regards to claim 167, the combination of Joseph/Teper teaches inputting information (col 7, lines 10-15), but does not specifically mention that the inputting of the information is accomplished by clicking a mouse button when a cursor is positioned over a predefined area of the displayed information. The examiner takes Official Notice that clicking a mouse button when a cursor is positioned over a predefined area of the displayed information was old and well known at the time of the invention. It would have

been obvious to a person having ordinary skill in the art to include in the combination of Joseph/Teper clicking a mouse button when a cursor is positioned over a predefined area of the displayed information, because this would provide an efficient means for inputting information and provide additional functionality to make the system more user friendly.

Response to Arguments

Applicant's arguments with respect to claim 108-183 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mark Fadok** whose telephone number is **(571) 272-6755**. The examiner can normally be reached Monday thru Thursday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wynn Coggins** can be reached on **(571) 272-7159**.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **receptionist** whose telephone number is **(571) 272-3600**.

Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, Va. 22313-1450

or faxed to:

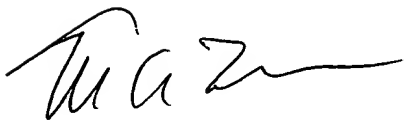
(571) 273-8300 [Official communications; including

After Final communications labeled

"Box AF"]


(571) 273-6755 [Informal/Draft communications, labeled

"PROPOSED" or "DRAFT"]



Mark Fadok

Primary Examiner



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